IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

MFA.No. 604 of 2000()

OPMV.308/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANT:

Davis, S/o. Kunjuvareed, aged 21, Kolamkanni, Vellangallur Desom, Vadakkumkara Village, Vellangallur P.O., Mukundapuram Taluk.

BY ADV. SRI.P.V.BABY

RESPONDENTS:
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1. K.K.Pradeep Kumar, S/o. Krishnan, Kattumparambil House, Pullutt P.O., Kodungallur Taluk – (Deleted).

2. Mani, S/o. Vasu, Kottolii House, Vendoor Desom, Amballur P.O. - (Deleted).

3. The Oriental Insurance Company, Thrissur.

The names of respondents 1 and 2 are deleted from party array at appellant's risk vide order dated 2.2.07 on M.F.A.

BY ADV. SRI.M.JACOB MURICKAN for R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.Raman & Antony Dominic, JJ.
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M.F.A.No.604 of 2000
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Dated this the 26th day of February, 2007.

JUDGMENT

Antony Dominic,J.

Claimant is the appellant. In an accident that occurred on 20.7.1994, the appellant who was then 16 years of age and a student of IInd P.D.C sustained fracture on left femur, lacerated wounds at his back, to right ear and to right thigh and crush inujury all over the body. He filed the application claiming a total compensation of Rs.1,50,000/-. It is seen that Ext.A7 certificate issued by the Doctor who treated him certified that he had shortening of left lower limb of 1 ½ inches, limping and also limitation of movements of left hip. Accordingly, the Doctor had certified a permanent disability of 15%. Considering the evidence that was available, the Tribunal awarded a total compensation of Rs.64,000/-.

2. The award shows that taking into account the fact that the appellant was aged 16 years at the time of the accident, adopting 16 as the multiplier, the Tribunal granted him Rs.36,000/- towards compensation for permanent disability. It is also seen that Rs.10,000/- was allowed as compensation for pain and suffering.

Holding that the permanent disability will affect the amenities and enjoyment of life, Rs.3,000/- was also granted.

3. Although the appellant had sustained injuries and subjected to a surgery and was hospitalised for 28 days, the Tribunal after making reference to Ext.A8 series, granted only Rs.5,000/- towards medical expenses. In our view, Rs.5,000/- granted was too low and taking into circumstances including the period of hospitalisation, we enhance it to Rs.10,000/-. Thus the appellant will be entitled to an additional amount of Rs.5,000/- towards the expenses incurred for hospitalisation including nourishment. This additional amount will carry interest at the rate of 7% per annum from the date of petition till date of payment. The award will stand modified to the above extent.

Appeal is partly allowed.

P.R.Raman,
Judge.

Antony Dominic,
Judge.

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